

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

LOVIE DEVON HOUSTON,

Petitioner,

v.

STATE OF ALASKA,

Respondent.

Case No. 3:24-cv-00158-SLG-MMS

ORDER RE REPORT AND RECOMMENDATION

Before the Court at Docket 1 is Petitioner Lovie Devon Houston's Petition Under 28 U.S.C. § 2254. No response was filed. The motion was referred to the Honorable Magistrate Judge Matthew McCrary Scoble. At Docket 6, Judge Scoble issued his Report and Recommendation, in which he recommended that the Petition be dismissed with prejudice. No objections to the Report and Recommendation were filed.

The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1). That statute provides that a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge."¹ A court is to "make a de novo determination of those portions of the magistrate judge's report or specified proposed findings or recommendations to which objection is made."²

¹ 28 U.S.C. § 636(b)(1).

² *Id.*

However, § 636(b)(1) does not “require district court review of a magistrate’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings.”³

The magistrate judge recommended that the Court dismiss the Petition Under 28 U.S.C. § 2255 with prejudice. The Court has reviewed the Report and Recommendation and agrees with its analysis. Accordingly, the Court adopts the Report and Recommendation, and IT IS ORDERED that the Petition Under 28 U.S.C. § 2254 at Docket 1 is DISMISSED with prejudice. The Court also DENIES as moot Petitioner’s Application to Waive Prepayment of the Filing Fee at Docket 2.

DATED this 21st day of October, 2024, at Anchorage, Alaska.

/s/ Sharon L. Gleason
UNITED STATES DISTRICT JUDGE

³ *Thomas v. Arn*, 474 U.S. 140, 150 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).